

Application No. 10/017,942

REMARKS

Claims 1, 5 and 7-13 are pending in this application. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 1, 5, 7 and 13 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1, 5, 7 and 12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 is objected to because of informalities. Claims 8-12 are allowed over the prior art.

With regard to the objection to the specification as failing to provide proper antecedent basis for the claim language in claim 1, claim 1 has been amended to include "providing a cap wafer having an unetched cap wafer surface" and "lithographically forming raised ridges in the cap wafer by removing material from the unetched cap wafer surface between lithographically defined areas of the unetched cap wafer surface to form an etched cap wafer surface having the raised ridges extending therefrom. Antecedent basis for the amended claim 1 may be found in paragraphs 18 and 19 of the specification which describes that the raised ridges may be lithographically formed by masking the surface (recited as the "unetched cap wafer surface" in amended claim 1), thereby leaving a ridge on the cap wafer surface (recited as the "etched cap wafer surface" in amended claim 1) as described in paragraph 18 and shown in FIG. 2. Accordingly, the specification provides an explicit basis for claim 1 as amended. Therefore, the applicant respectfully submits that the objection to the specification should be withdrawn.

With regard to the rejection of claim 1 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, applicants have amended claim 1 to more clearly describe the step of lithographically forming raised ridges in accordance with the method explicitly described in the specification. In particular, amended claim 1 includes the steps of "providing a cap wafer having an unetched cap wafer surface" and "lithographically forming raised ridges in the cap wafer by removing material from the unetched cap wafer surface between lithographically defined areas of the unetched cap wafer surface to form an etched cap wafer surface having the raised ridges extending therefrom. Paragraphs 18 and 19 of the

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specification describe these steps of etching back a surface (recited as the "unetched cap wafer surface" in amended claim 1) to a cap wafer surface (cap wafer surface 202 in FIG. 2, recited as the "etched cap wafer surface" in amended claim 1) to form the raised ridges extending therefrom. Accordingly, applicants submit that amended claim 1, and claims 5, 7 and 13 depending therefrom, comply with the written description requirement and, therefore, the rejection should be withdrawn.

With regard to the rejection of claims 1 under 35 U.S.C. §112, second paragraph, as being indefinite, applicants submit that at least for the reasons described above with regard to the rejection of claims 1 under 35 U.S.C. §112, first paragraph, amended claim 1, and claims 5, 7 and 13 depending therefrom, particularly points out and distinctly claims the subject matter that applicants regard as the invention. Therefore, applicants respectfully submit that claims 1, 5, 7 and 13 are not indefinite and, therefore, the rejection should be withdrawn.

With regard to the rejection to claim 13 for lacking proper antecedent basis, the claim has been amended to correct this informality. Specifically, claim 13 includes "trenching recesses into the unetched cap wafer surface" and "etching away the unetched cap wafer surface, except for the areas of the filled recesses to form the etched cap wafer surface between the filled recesses." Antecedent basis for the "unetched cap wafer surface" and the "etched cap wafer surface" may be found in amended claim 1. Accordingly, amended claim 13 is submitted to be in condition for allowance.

Applicant appreciates the Examiner's recognition of patentable subject matter in claims 8-12.

Entry of this amendment, reconsideration of the application, and allowance of claims 1, 5, and 7-13 is respectfully requested.

Respectfully submitted,



James H. Beusse

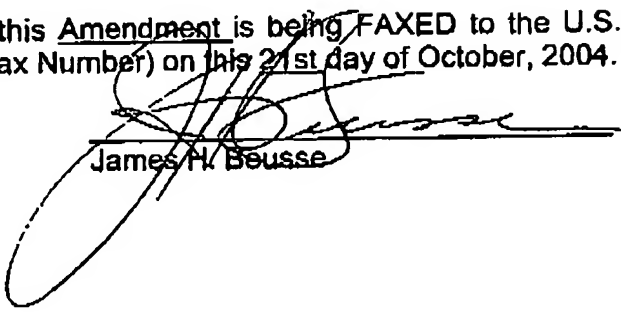
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CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY that this Amendment is being FAXED to the U.S. Patent Office at 703-872-9306 (Central Fax Number) on this 21st day of October, 2004.


James H. Beusse